

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

ALEXANDER MOSS,

Plaintiff,

v.

JESSICA KRAUSE, CRYSTAL KELLY,
NIKITA BARBEAU, KYLE DEMERS,
NATHAN WOLF, DEREK
SCHOUTEN, NATHAN HAYNES,
and WAYNE BAUER,

Defendants.

Case No. 18-CV-157-JPS

ORDER

Plaintiff, proceeding *pro se*, filed this action on January 30, 2018, while he was incarcerated at Columbia Correctional Institution. (Docket #1). He has since been released from prison and now resides at an address in Milwaukee. (Docket #16). On April 19, 2018, the Court entered a scheduling order directing the parties to complete discovery by August 31 in anticipation of a dispositive motion deadline of October 1. (Docket #12 at 2–3). The Court warned Plaintiff that “he must respond to the defendants’ requests for discovery in accordance with the applicable procedural rules. Failure to do so may result in dismissal of this action.” *Id.* at 2 (citing Civ. L. R. 41(c)).

On September 6, 2018, Defendants filed a motion to compel responses to their discovery requests. (Docket #18). They contend that they served requests on Plaintiff on July 20, but he never responded. *Id.* at 2. He further failed to respond to Defendants’ August 22 letter seeking to resolve any disputes about the requests he might have. *Id.* Defendants complain

that they cannot investigate the facts underlying Plaintiff's allegations without his responses to their discovery requests, and as such they ask the Court to order him to respond or, if he continues to refuse to participate in discovery, to dismiss the case entirely. *Id.* at 2–3.

Normally, Plaintiff would be afforded twenty-one days to respond to Defendants' motion. *See* Civ. L. R. 7(b). Because of the impending dispositive motion deadline and the need to expeditiously address Plaintiff's failure to engage in the discovery process, the Court directs him to file a response to the motion no later than **September 25, 2018**. Defendant may reply no later than two days after his response is filed. If Plaintiff does not respond to Defendants' motion by this deadline, or if his response does not demonstrate that his failure to participate in discovery is excusable, the Court will dismiss this action for his failure to prosecute the same. Civ. L. R. 41(c); *Fischer v. Cingular Wireless, LLC*, 446 F.3d 663, 665 (7th Cir. 2006).

Accordingly,

IT IS ORDERED that Plaintiff shall respond to Defendants' motion to compel and for sanctions (Docket #18) no later than **September 25, 2018**. Failure to do so will result in dismissal of this action without further notice. Defendants may respond within **two (2) days** thereafter.

Dated at Milwaukee, Wisconsin, this 17th day of September, 2018.

BY THE COURT:



J. P. Stadtmueller
U.S. District Judge